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SUBJECT: WESTERN KASAI GOVERNOR LOSES NO-CONFIDENCE VOTE

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¶1. (SBU) Summary: Western Kasai's provincial assembly passed a no-confidence motion against AMP-aligned Governor Tresor Kapuku June 7 by a 29-24 vote, even though the AMP holds a slim majority. According to the DRC's constitution and electoral law, Kapuku must now resign and the Independent Electoral Commission (CEI) must organize a new gubernatorial election in 15 days. The no-confidence measure followed months of tense relations between the governor and the assembly. AMP-aligned deputies claim the vote did not follow correct procedures, and Kapuku himself has contested the result in court. End summary.

¶2. (U) Western Kasai's provincial assembly voted June 7 29-24 to adopt a motion of no-confidence against Governor Tresor Kapuku, a member of the Rally for Congolese Democracy (RCD) party aligned in Western Kasai province with the pro-Kabila Alliance for the Presidential Majority (AMP). The result surprised many as the AMP holds a slim majority in the assembly with 28 of 54 seats, including eight deputies from the RCD. According to the DRC's constitution and electoral law, Kapuku must resign his position, and the CEI is required to organize a new gubernatorial election within 15 days. Vice Governor Hubert Mbingho, a former mayor of the diamond town of Tshikapa, will assume the governor's functions until the election.

¶3. (U) Fifteen opposition deputies brought the no-confidence measure to the assembly June 4, claiming Kapuku had committed numerous "flagrant acts of contempt" against the assembly and violated several important elements of the constitution. Among Kapuku's alleged misdeeds, the group cited his failure to acknowledge the assembly during his official handover ceremony with the outgoing governor; his refusal to meet with the assembly's executive officers on at least one occasion; his "unilateral elaboration" of the provincial budget before the Ministry of Interior without consulting the assembly; and the expulsion of the assembly's president from a state-owned building he had claimed as his official residence.

¶4. (SBU) A group of 27 AMP-aligned provincial deputies issued a statement June 7 contesting the vote. They argued the motion was not properly submitted for consideration and should therefore be declared invalid. In addition, they claimed deputies were impeded from marking their ballots clearly because the vote was held in near-darkness. (Note: As balloting began, the power went out in the assembly's chamber, forcing deputies to vote by candlelight or by the light of their cell phone displays. End note.) They also noted that Kapuku did not have an opportunity to defend himself before the assembly in advance of the vote, even though the assembly's executive office had invited him to do

so. (Note: Kapuku, along with all other provincial governors, had been in Kinshasa until the morning of June 7 at the request of the Interior Ministry to discuss the budget and decentralization. End note.)

¶5. (SBU) Kapuku filed a motion June 9 with the Kananga court of appeals seeking the vote's annulment. Kapuku himself told PolOff June 6, the day before the vote, that he did not believe the motion would pass. He claimed the effort was driven in large part by a disagreement with provincial assembly president Homer Mijimbu, who claims that a particular state-owned building was to serve as his official residence. Although the former non-elected governor had designated the building for Mijimbu, Kapuku rejected the claim, expelled the president from the property, and later installed one of his provincial ministers at the site.

¶6. (SBU) Although the CEI is charged with organizing a new gubernatorial election in 15 days, Commission officials claim they lack the means to do so in the prescribed time. CEI spokesman Dieudonne Mirimo told us that in any case the Commission will have to wait for any court rulings before proceeding. Kapuku is allowed to run again for governor if he chooses.

¶7. (U) Kapuku's initial election as governor was marked by controversy. In a move to discredit his main opponent, Alex Kande of Jean-Pierre Bemba's MLC, Kapuku filed a motion with the court to disqualify Kande on the grounds that he held dual nationality, and therefore was ineligible to run (reftel). The gubernatorial election was delayed, but Kapuku's gambit failed, and Kande stayed in the race. Kapuku ultimately won in a 28-26 vote by the provincial assembly in

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¶8. (SBU) Comment: The no-confidence motion is part of a larger battle underway in many provinces between provincial assemblies and their governors. Each side, particularly the newly-created assemblies, is trying to define its position and power over the other based on differing interpretations of the constitution, resulting in a political struggle marked by boycotts and no-confidence votes rather than dialogue and accommodation. The vote also highlights the increasing fragility of the AMP coalition. In particular, with its critical eight-person caucus, the RCD is particularly important in the Western Kasai assembly. Having been frozen out of Kinshasa government positions, and with RCD national President Azarias Ruberwa having subsequently declared himself allied with the opposition, it is doubtful that the RCD could be counted upon as a reliable component of the AMP coalition. End comment.

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